HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 19324 OF 2000

BETWEEN

Ghanta Narsimha Reddy & another

.....**Petitioners**

And

Government of India,
Ministry of Home Affairs,
Rep. by its Secretary,
Freedom Fighters Division,
New Delhi & others

.....**Respondents**

:: O R D E R::

Counsel for the Petitioners : Shri P. Sridhar Rao

Counsel for Respondent No.1 : Shri A. Rajasekhar Reddy

Counsel for Respondent Nos.2 & 3 : Government Pleader for Revenue.

Dated: 29.08.2006

In this petition, Shri Ghanta Narsimha Reddy and Smt. Ghanta Prameela, W/o late Shri Raji Reddy

have prayed for issue of a mandamus to grant pension under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

During the pendency of the writ petition, petitioner No.1 – Shri Ghanta Narsimha Reddy died. By an order passed today in W.P.M.P.No.21822 of 2006, the Court has allowed his widow Smt. Sugunamma to be brought on record as his legal representative.

The claim made by late Shri Ghanta Narsimha Reddy and late Shri Raji Reddy (both are now represented by their widows) for grant of pension under the 1980 Scheme is founded on the assertion that they had taken part in the freedom movement against the erstwhile Nizam of Hyderabad and their names figured in the list of persons against whom arrest warrants had been issued. They have relied on notices dated 11.01.1999 issued by Mandal Revenue Officer, Parkal Mandal requiring them to produce evidence regarding their date of birth, school certificate, voters identity card, voters list, boarder camp in-charge certificate, arrest warrant etcetera and pleaded that failure of the respondents to sanction pension in their favour should be declared illegal and a mandamus be issued for entertaining their claims.

In the two counter-affidavits filed by Shri P.K.Kaul and Shri S.D.Kaushik, Under Secretaries to the Government of India, Ministry of Home Affairs, it has been averred that the applications made by late Shri Ghanta Narsimha Reddy and Shri Raji Reddy were not received by Government of India and, therefore, their claim for grant of pension under the 1980 Scheme could not be entertained.

In the rejoinder-affidavit, the claim of the petitioners for grant of pension had been reiterated on the premise that both late Shri Ghanta Narasimha Reddy and Shri Ghanta Raji Reddy had taken part in the freedom movement.

I have heard learned counsel for the parties. Since the petitioners have not produced any substantive evidence to show that their late husbands had made applications to Government of India for grant of pension under the 1980 Scheme, it is not possible to issue a mandamus to respondent No.1 to sanction pension in their favour. However, keeping in view the averments contained in the counter-affidavits filed on behalf of respondent No.1 that the applications, if any, made by the petitioners even at this belated stage can be entertained and the fact that vide G.O.Rt.No.1680 dated 02.08.2006, the Government of Andhra Pradesh has constituted a committee to examine and decide the cases relating to claim of the freedom fighters who have claimed pension under the State Scheme, I deem it proper to dispose of the writ petition in the following terms:

(1) Within one month from today, the petitioners may make applications for grant of pension under the 1980 Scheme. The application should be addressed to Deputy Secretary in the Ministry of Home Affairs (Freedom Fighters Division), Government of India and the same shall be submitted to the Revenue Secretary, Government of Andhra Pradesh (Freedom Fighters Division). Along with the applications, the petitioners shall annex documents showing that their late husbands had taken part in Hyderabad Liberation Movement

or fought against the Government of erstwhile Nizam.

(2) The applications made by the petitioners be immediately placed before the committee constituted by the State Government vide G.O.Rt.No.1680 dated 02.08.2006. Within next two months, the committee shall process the applications, examine the documents produced by the petitioners and submit its report to Secretary to Government, Revenue Department (Freedom Fighters Division).

(3) If the committee recommends grant of pension to the petitioners by treating their late husbands as freedom fighters, who had taken part in Hyderabad Liberation Movement or struggle against the Nizam Government, then the Secretary, Revenue Department, Government of Andhra Pradesh (Freedom Fighters Division) shall forward the same to Deputy Secretary to Government of India, Ministry of Home Affairs (Freedom Fighters Division).

(4) Within two months of receipt of communication from Secretary, Revenue Department, Government of Andhra Pradesh, the competent authority of the Government of India shall consider and decide the claims of the petitioners for grant of pension under the 1980 Scheme. Such decision shall be communicated to the petitioners by registered post at the end of two months' period specified in this clause.

(5) If the committee constituted by the Government comes to the conclusion that the petitioners have failed to establish that their late husbands fall within the ambit of the expression "freedom fighters" under the 1980 Scheme, then

the decision of the committee be communicated to the petitioners, who shall then be free to avail appropriate legal remedy.

G.S.SINGHVI, CJ

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29.08.2006